

The Chartered Surveyors' Institution

(Incorporated by Royal Charter),

12, GREAT GEORGE STREET, WESTMINSTER, S.W.

PATRON:

HIS MAJESTY KING EDWARD VIII.

TRANSACTIONS

VOL. LXVIII.

SESSION 1935-36.



LONDON:
PUBLISHED AT THE INSTITUTION

ENTERED AT STATIONERS' HALL.

[All Rights of Translation and Reproduction reserved.]

NOTICE.

The Institution does not, as a body, hold itself responsible for statements made or opinions expressed either in the papers read or the discussions which have occurred at the Meetings.

CONTENTS OF VOL. LXVIII.

Page.		No. of Paper.	Author of Paper.	Date.
	Title-page of Vol. LXVIII.			
v	List of Officers for 1935-1936.			
3	Opening Address	564	Harry M. Stanley	1935. Nov. 11
25	Restriction of Ribbon Develop- ment Act, 1935	565	A. T. V. Robinson, C.B.E.	Dec. 9
42	Discussion on Paper No. 565...	...		Dec. 9
61	Discussion on "The Rating of Empty Properties"	...		1936. Jan. 6
91	The Law of Party-Walls out- side London	566	W. T. Creswell, K.C.	Feb. 10
109	Discussion on Paper No. 566...	...		Feb. 10
126	Investment Companies and Rural Land	567	E. P. Weller, M.A.	March 2
156	Discussion on Paper No. 567...	...		March 2
176	Contrasts and Similarities in the Farming of Great Britain and New Zealand	568	Viscount Bledisloe, P.C., G.C.M.G., K.B.E.	April 6
191	Discussion on Paper No. 568...	...		April 6
207	Surveyors and the Law ...	569	Sir Lynden Macassey, K.B.E., K.C., LL.D., D.S.C.	May 4
236	Discussion on Paper No. 569...	...		May 4
	Annual General Meeting for the Election of Officers for 1936-1937.			
	Report of Council.			
	Accounts, 1935.			

OFFICERS, 1935-36.

COUNCIL.

President.

HARRY MERRIDEW STANLEY (London)

Senior Vice-President.

JOHN MEDOWS THEOBALD (London)

Vice-Presidents.

ROBERT COBB (Kent)
HERBERT COVINGTON COLE, C.B.E.
(London)

SIR CHARLES HENRY GOTT (Yorks)

Members of Council.

JOHN BARR (Scotland)
JOHN FRIENDSHIP BOWDEN (Devon)
SIR CHARLES HERBERT BRESSEY,
C.B., C.B.E. (London)
CHRISTOPHER CHART (Surrey)
WILLIAM HENRY CHRISTY CLAY,
O.B.E. (London)
HENRY FREDERICK COBB, C.B.E.
(London)
JOHN EDMUND DROWER, C.B.E.
(London)
WILLIAM HAROLD EVE (London)
THOMAS PEIRSON FRANK (London)
HARRY FRANKS (Ireland, Free State)
GILBERT GARDNER (Sussex)
ARTHUR NORMAN GARRARD (London)
JOHN HERBERT HALL (Lancs)
DRYLAND HASLAM (Berks)

OSWALD HEALING (London)
ROBERT HENDRY (Scotland)
SYDNEY APPLETON KELLY (Lancs)
HERBERT JAMES KING (Middlesex)
CUTHBERT LAKE (London)
GEORGE ARTHUR LANSDOWN (London)
LEWIS OSLER MATHEWS (Warwick)
ARTHUR WALKER MERRY (Beds)
JOHN OSCAR NESBITT (Notts)
FRANCIS PETER (Glos)
JOHN MERRY PORTER (N. Wales)
JOHN SCOTT (Northumberland)
HENRY EDWARD SHERWIN (London)
EDWARD JOHN SILCOCK (Yorks)
ROLAND INGLEBY SMITH, O.B.E.
(Northern Ireland)
GEOFFREY LESLIE VIGERS (London)

Professional Associates of Council.

WILLIAM ROBINSON BRACKETT (Notts)
ORFEUR FREDERIC COOKE-
YARBOROUGH (Yorks)

GODFREY JOHN NICHOLAS
DE ST. CROIX (Kent)
FRANCIS JOHN TRUMPER (London)

Associates of Council.

COLONEL SIR GEORGE LOYD COURTHOPE, BT., M.C., M.P.
SIR HARRY COURTHOPE-MUNROE, K.C.

Past-Presidents (*Ex officio* Members of Council).

LESLIE ROBERT VIGERS (London)
SIR W. EDGAR HORNE, BT. (London)
JOHN HENRY HANSON (Yorks)
ARTHUR LYON RYDE (London)
SIR JOHN HUBERT OAKLEY, C.B.E.
(London)
JOHN WILLMOT (Warwickshire)
JOHN McCCLARE CLARK
(Northumberland)
SIR EDWIN SAVILL, O.B.E. (London)

DENDY WATNEY (London)
EDWARD SAMUEL COX (Yorks)
CHARLES HERBERT BEDELLS (London)
ERNEST HOLTHAM LEEDER
(South Wales)
JOHN EVANS BIDWELL (Cambs)
CHARLES GERALD EVE (London)
PERCIVAL FOX TUCKETT (London)
ALAN ARNOLD Hampshire

Honorary Secretary.

HERBERT ARTHUR STEWARD

Secretary.

MAJOR ALEXANDER H. KILLICK,
D.S.O., M.C., B.A.

Assistant Secretary.

H. GODFREY EVANS, B.A.

List of Standing Committees.

AGRICULTURAL.	FORESTRY.
BUILDING.	GENERAL PURPOSES.
COUNCIL SELECTION.	LIBRARY AND SESSIONAL PAPERS.
COUNTY BRANCHES AND COUNTRY	MINING.
EDUCATION.	PARLIAMENTARY.
ELECTIONS.	PROFESSIONAL PRACTICE.
FINANCE.	QUANTITY SURVEYORS.

Past-Presidents.

1868 <i>John Clutton</i>	1909 <i>Sir Alexander Rose Stenning</i>
1870 <i>Richard Hall</i>	1910 LESLIE ROBERT VIGERS
1872 <i>Edward Norton Clifton</i>	1911 SIR EDGAR HORNE, BT.
1874 <i>Thomas Huskinson</i>	1912 <i>Hon. Edward Gerald Strutt, C.H.</i>
1876 <i>Edmund James Smith</i>	1913 <i>W. Edward Woolley</i>
1878 <i>William Sturge</i>	1914 <i>Howard Chatfeild Clarke</i>
1880 <i>Edward Ryde</i>	1915 JOHN HENRY HANSON
1883 <i>Thomas Smith-Woolley</i>	1916 <i>Rt. Hon. George Francis Stewart</i>
1885 <i>Edward I'Anson</i>	1917 ARTHUR LYON RYDE
1886 <i>William James Beadel, M.P.</i>	1918 SIR JOHN HUBERT OAKLEY, G.B.E.
1888 <i>Elias Pitts Squarey</i>	1919 <i>Andrew Young</i>
1890 <i>Robert Collier Driver</i>	1920 JOHN WILLMOT
1892 <i>Charles John Shoppee</i>	1921 <i>Joseph Henry Sabin</i>
1894 <i>Thomas Chatfeild Clarke</i>	1922 JOHN McCLARE CLARK
1895 <i>Daniel Watney</i>	1923 <i>Sir James Inglis Davidson</i>
1897 <i>Christopher Oakley</i>	1924 SIR EDWIN SAVILL, O.B.E.
1898 <i>Robert Vigers</i>	1925 <i>John David Wallis</i>
1899 <i>Thomas Miller Rickman</i>	1926 DENDY WATNEY
1900 <i>John Shaw</i>	1927 EDWARD SAMUEL COX
1901 <i>Sir John F. L. Rolleston</i>	1928 <i>Charles Browning Fisher, C.B.E.</i>
1902 <i>Arthur Vernon</i>	1929 CHARLES HERBERT BEDELLS
1903 <i>Albert Buck</i>	1930 ERNEST HOLTHAM LEEDER
1904 <i>Herbert Thomas Steward</i>	1931 JOHN EVANS BIDWELL
1905 <i>Charles Bidwell</i>	1932 CHARLES GERALD EVE
1906 <i>George Langridge</i>	1933 PERCIVAL FOX TUCKETT
1907 <i>Thomas Taylor Wainwright</i>	1934 ALAN ARNOLD
1908 <i>Howard Martin</i>	

(The names of those deceased are printed in italics.)

AFFILIATED SOCIETY.

THE CHAPTER OF SOUTH AFRICAN QUANTITY SURVEYORS
(Within the Institute of South African Architects).

Secretary: J. S. LEWIS,
99-100, Stanley House, Johannesburg.

Transactions *of* The Chartered Surveyors' Institution

SESSION 1935-1936.

FIRST ORDINARY GENERAL MEETING OF THE
SESSION 1935-36.

*Held at the Chartered Surveyors' Institution, Monday,
11th November, 1935.*

Mr. HARRY M. STANLEY (President) in the Chair.

Prior to the meeting, the PRESIDENT placed a wreath of red poppies at the foot of the Institution's Memorial to the memory of the members, students and examinees who had fallen in the Great War, the members present standing at attention while a bugler from the Coldstream Guards sounded " The Last Post " and " The Reveille."

NEW MEMBERS.

The following new members were presented by the PRESIDENT for formal admission to membership under By-law 32, and signed the Register:—

Fellow :

WHEELDON, GERALD STUART

Professional Associates :

AXTELL, STANLEY	POWLETT, ARMAND TEMPLE
BAILEY, JACK HENRY	PORTER, STANLEY LAWRENCE
BAYES, STANLEY JOHN	PRYOR, QUINTON ARTHUR
BIDDLE, REGINALD LESLIE	RANDLE, ALAN WALTER
BROADWAY, BERNARD REGINALD	ROWELL, JOHN EDWARD
CADE, CHARLES FREDERICK	SAMUEL, ALBERT BASIL
COBB, ALAN GEORGE STUART	SCOWEN, WILLIAM THOMAS
DAUNCEY, DENIS FRANCIS	SCRIVENER, GEOFFREY COLIN
DORMON, JACK BARRETT	SEGAL, LEONARD
DORMON, LEWIS GRAHAM	SELBY, FRANK ATHERTON PIPER
FERNANT, JOHN REGINALD	SMITH, WILLIAM ALFRED
FINCH, DOUGLAS ALFRED	STROUTS, ERIC HAROLD
FLOYD, CHARLES MURRAY	SULLY, HUBERT BENTINCK
GIBBINS, JOHN	SWEBY, WILLIAM ALBERT
HARWOOD, JAMES LAWRENCE	TISDALL, ARTHUR DOUGLAS
HUGHES, E. THOMAS	VINE, GEORGE MESBAN
INGLIS, RONALD ALEXANDER	WHEELER, ALEXANDER WILLIAM
FRANCIS	JOHN COE
JAMES, WILLIAM	WHIDDINGTON, ALAN STANLEY
LAMPARD, MARTIN	WHITE, WILLIAM CHARLES
LAWSON, THEODORE FRASER	EDWARD
McKENZIE, RODERICK CHARLES	WHYTOCK, RONALD JAMES
McLACHLAN, JOHN GUTHRIE	WILSON, AUBREY STUART
MANN, PHILIP HARRISON	WINTER, ROBERT ARCHIBALD
NORTH, PETER	DUNCAN
PATRICK, REGINALD ARTHUR	YEOMAN, DAVID DUBOIS
POWELL, JOHN LLEWELLYN	

ELECTION OF HON. MEMBERS OF THE INSTITUTION.

The PRESIDENT, on the recommendation of the Council, moved the election of His Grace the Duke of Beaufort, G.C.V.O., and Brigadier Malcolm N. MacLeod, D.S.O., M.C.,

Director-General of the Ordnance Survey, as Honorary Members of the Institution.

The resolution was carried by acclamation.

The PRESIDENT then delivered his Address as follows:—

PAPER 564.

OPENING ADDRESS.

By Mr. Harry M. Stanley (President).

It is difficult to give full expression of my thanks to those who have done me the high honour of election to the Chair of this great Institution, but I do extend to them all my most profound gratitude, and can only express the earnest desire so to discharge the duties of the office as to maintain as far as possible the great traditions set by the now long line of my predecessors. That is an ambition which, when I read the names of the distinguished men on the panel behind me, I realise is not easy of achievement, and in my case is perhaps unattainable. I am fully assured, however, of your forbearance, and of the loyal help and assistance of my colleagues on the Council, and particularly those who, as Past-Presidents and our House of Lords, as it were, continue to give so freely of their wisdom and experience to the direction of our affairs.

Even so, the misgivings which have assailed me in accepting so responsible an office are no less formidable than those to which, on the corresponding occasion, more than one of my predecessors have referred.

Many of my friends who have passed the Chair have warned me that probably the most difficult task of the year is that of preparing and delivering the Presidential Address in an interesting form. In my case it so happens that, although bred in the country and with an intense affection for things rural, nevertheless fate so ordained that the fifty years of my working life were to be spent in the City of London. My practice has been confined almost entirely

to the urban field, and has been especially associated with the City and County of London, a sphere which to many may seem somewhat narrow in scope, but which personally I have found of the greatest interest and fascination.

May I ask you for a few moments to pass back with me to London as I first knew it in the eighties of the last century? At that time the municipal authority, apart from the City, was the Metropolitan Board of Works, soon to be superseded by the London County Council; the Metropolitan District Railway did not extend further east than the Mansion House Station; there were no telephones, tubes nor petrol-driven vehicles; it was the day of the knife-board omnibus, the hansom cab and the growler. What was known as the Strand and Holborn Improvement Scheme had not even been commenced, and the part of old London, which was subsequently demolished to form the important thoroughfares of Kingsway and Aldwych, was still much the same as Charles Dickens knew it.

London has rightly been described as a city of constant change, and its evolution in the past four decades has been truly remarkable. One wonders what its future may be! At the period to which I am referring, some of the now populous dormitory suburbs were quiet rural villages, untouched by tram, tube, or omnibus, and the other tentacles of the town. Even the square mile of the City, traditionally conservative in instinct, contained along its principal streets many small individual buildings; and I well remember, amongst many others, Lemann's biscuit shop in Threadneedle Street, and Webbers, famous for its bath buns, in Lombard Street. *Tempora mutantur!* Practically all the important streets have been rebuilt, and their appearance now is very different from those of the past. The sites of the smaller individual houses have been amalgamated into one larger whole, with the result that fine modern buildings, many of great architectural merit, have been erected, and are largely occupied by banks, insurance companies and financial houses, in many cases years having been taken,

and great sums expended, in acquiring the necessary land. It may be of interest to note that the first to erect the modern style of city building, as we now know it, were the Scottish banks, followed by some of the principal insurance companies and the London branches of the important Colonial banking institutions, and, subsequently, by the extension of the head offices of the principal English joint stock banks.

During the period under review the see-saw of property values has been working hard, but on balance in an upward direction. Experience has shown how greatly they depend on the general financial position and the conditions of international trade. Each fall has synchronised with a financial crisis, but with the disappearance of the immediate cause values have again improved. The fact emerges that rents and values depend first upon the general condition of business, and on position and proximity to the great market centres. Very large sums have been paid for special situations, both in the City of London and elsewhere, and it is probable that the choice sites have improved to a greater extent than positions of lesser commercial or trading value. This may seem a truism, but I venture to think that these factors are of general importance to the present-day practice of a surveyor since they apply equally to the large provincial cities. This, perhaps, is particularly demonstrated by what occurred when the Corporation of Lloyds removed from the Royal Exchange to Leadenhall Street. The highest rents obtained in the City of London were just close to the Royal Exchange, and were paid by the marine insurance companies and others. On the removal to Leadenhall Street these high rents moved on with Lloyds ; the conditions of world trade and shipping have not enabled these special rents to be fully maintained, but, if past experience is any guide, in due course, with improving business, these rents and values will tend to rise again. I have many interesting records of the variation in values in the City, but speaking generally, properties in

the best positions have about doubled in value during the past fifty years. In some streets, however, there is little change, particularly in those of approach to the centre and real heart of the City of London. These streets have probably suffered most from the tendency of certain trades to remove westward.

There are, however, well-known landmarks which are still untouched by change. The City churches and the City halls stand, hallowed by time, to remind us of an age when men went leisurely about their business, while the existence of Leadenhall Market remains on as an anachronism among the twentieth-century palaces of commerce which surround it.

Changes equally important have altered the face of that part of the metropolis which most people and nearly all visitors regard as London, the part, that is to say, which lies to the westward of the City boundaries and northwards of the river. South of the Thames little real development as yet has followed the removal thither of the seat of metropolitan government, doubtless owing to the inadequacy of the traffic connections between the north and south banks of the river. That is still a burning question to which the practical solution has yet to be found. Most of us, I think, feel that better cross-river communications would bring about a general improvement of this large area, both in value and appearance, and be of real assistance in meeting the ever-increasing needs of London traffic.

It would obviously be undesirable in the time at our disposal to refer in any detail to the great alterations such as the rebuilding of Regent Street, the invasion by commerce of streets and squares famous for their residential exclusiveness and the many factors which have tended to alter the London of the past. It has been said that in the last four decades London has experienced a "frenzy of change," not only in its buildings, but in the habits, outlook and requirements of its people.

I think many would agree with me that the chief material

agents which have made these changes possible, and even inevitable, are electricity and petrol.

The last forty years have been a period of concentration of effort, large amalgamations and reorganisations of business ; and, perhaps, one of the most striking instances of this is the Port of London Authority. Since the unification in 1909 of a number of formerly separate dock companies, the tonnage dealt with by the Port of London has expanded enormously with a corresponding extension of dock and warehouse accommodation. The latest returns show that about 59 millions in tonnage arrived at and departed from the Port as against 38½ millions in 1909. It must be remembered that the trade of the Port is in reality the reflection of the trade of the whole of Great Britain, and has helped materially in making London as it really is, a great international market and the financial centre of the world.

A further marked change has been in the growth of the great departmental stores and multiple shop companies, with their willingness to pay high rentals for the best positions in London and in all the principal cities and towns of the country, in many cases in excess of that which could be afforded by the private tradesman. It is a question to what extent these high rents are likely to be maintained. Not only are the centres for shopping in the great cities made much easier of access by modern facilities of transport, but in every newly developed district shops are being built and taken at what would in the past have been considered exceptionally high rentals ; yet such is the present-day spending power of the public that the multiple shop companies continue to thrive, and in the great majority of cases there seems to be business for them all.

The question of investment on which so many of us have to advise is becoming increasingly difficult. The demand for a higher rate of interest than is given by first-class Stock Exchange securities has tended to create a supply, and since we went off the gold standard the prices of well-

let shop and other property have greatly increased. The position is something as it was after what was known as the Goschen Conversion Scheme in 1903 when Consols were placed on a $2\frac{1}{2}$ per cent. basis. Then, as now, a great demand arose for investment in real estate, and it was then, I think, that the improved ground rent first appeared. These improved ground rents never represent the real value of the land, and the investor, tempted by the extra return, may, unless well advised, fail to realise that there can be no improvement, and that provision has to be made for redemption of capital at a given date.

It behoves all those advising on investments in urban real estate to act with extreme care when selecting from the many securities now offered.

The surveyor to-day finds himself faced with a new economic era, in which precedents and past experience have a diminished value. Problems have to be studied from a fresh angle and many more factors taken into account than were necessary in the past ; to some extent intelligent imagination must come into play, but there is the danger that this may be carried to undue lengths.

Many real difficulties exist for the conscientious surveyor in making his valuation, some of them still controversial and calling for special judgment, skill, and a high sense of responsibility. Two problems which are usual in an urban practice are, first, whether the limit of rent has been reached which a retailer can afford to pay, and, secondly, whether saturation point has arrived in the provision of flats for the upper and middle classes, having regard to the evidence that these classes are becoming more and more "flat minded." I resist the temptation to offer any personal opinion on these two points.

Freehold ground rents, which represent the real value of the land, come into a different category, and will, in my view, continue to be among the finest and safest form of investment. Prices have naturally risen, but are no higher than at previous times in our history.

TOWN PLANNING.

The first Town Planning Act was passed in 1909, the object being the preparation of schemes for appropriate areas to ensure as far as possible that the use of land in course of development should, amongst other things, be regulated having regard to public needs, and to provide for the limitation of heights, density of buildings, and necessary amenities, but town planning as defined in this Act was no new thing.

The amazing genius of Christopher Wren is said to have conceived and submitted, within four days after the Great Fire, a plan for rebuilding London, and it is to many of us a matter of regret that effect was not given to his proposals, for they would have simplified many of the problems of to-day. The leasehold system on which the great London estates were developed in the nineteenth century was a notable example of town planning which gave us the garden squares that are London's special ornament and the envy of the world. Eastbourne and Bath are other fine examples of towns which have been developed to a preconceived plan under private and enlightened direction.

I feel assured that every member of this Institution has felt concern at the post-war disfiguration of the countryside, and has been in sympathy with those who have urged control of such vandalism. The Restriction of Ribbon Development Act, which received the Royal Assent in August last, is at least a step in the right direction. It may be found in the light of experience that amendment is necessary and desirable, and many may take the view that the administration of the Act will present difficulties, on the score of expense particularly, to the local authorities responsible for its enforcement. I would summarise my view of the Act by saying that it offers the prospect of providing, without manifest injustice to landowners, a degree of necessary control, particularly in districts which are developing by reason of public expenditure on roads and other services.

The Town and Country Planning Act, 1932, came into operation on 1st April, 1933, and the following figures are illuminating as showing the area of land which has since been brought under the control of that Act:—

Land subject to planning schemes approved and operative.	Land subject to planning resolutions.
At 31st March, 1933 ... 152,182 acres	9,231,634 acres
„ 31st March, 1935 ... 152,182 „	15,488,290 „
„ 31st July, 1935 ... 152,193 „	17,820,004 „

The July, 1935, figure has since increased to over 18,000,000 acres, or nearly half the whole area of England and Wales.

The responsibility which falls upon the surveyor and land agent in connection with the proper and economic planning of town and country is no small one, and its problems in these days are ever with us. However difficult those problems may be, I suggest that frank and early consultation between the professional representatives of land-owners and the technical officers of the town planning authorities will not be unfruitful of good results. The planning of built-up areas presents even a more difficult problem, especially in its relation to traffic requirements, if sought to be secured by planning procedure; the expense attaching to schemes for the widening of main streets in really valuable positions seems to be prohibitive, and if done piecemeal, as in the Strand, must take many years to complete. In specially busy and valuable centres, such as the City of London, it may be found that the difficulties can only be solved by the construction of new roads to be built between certain definite points, on relatively cheaper land, to which all heavy through-traffic should be compulsorily directed.

Town and country planning on the extensive scale now contemplated must entail heavy public expense, and years

must elapse before the full benefit of it can be obtained. Its complexities are evident from the fact that, apart from the City, the county of London embraces about 75,000 acres (excluding tidal waters and foreshore), the greater part of which is already built upon. And the age of London, no less than its size, gives rise to special problems which do not present themselves, at any rate in such acute form, in the planning of newer cities in younger lands.

With the planning powers now in force it would seem that development must, at least for the time being, be delayed, as is always the case when new legislation affecting property is enacted, and with it the sale and letting of vacant sites. It is improbable that anyone would now enter into a contract at a given price until the extent and nature of building which will be permitted is reasonably evident ; but it must not be overlooked that the Act gives protection to all existing buildings for their present use, so that an owner is reasonably assured of being able to reproduce a building if re-erected within a certain time on certain lines. If the planning authority wishes to curtail this power they are liable to pay compensation. It may retard speculative building for a time—perhaps not an unmixed evil in view of the tendency to overbuild which has shown itself during the last few years.

The lack of up-to-date maps has been another and serious cause of the slowness with which planning schemes are brought to finality, and of the restrictions on dealings in property which are the inevitable result of uncertainty and delay. You are probably already aware that the Council have resolutely and consistently pressed in recent years for an early revision of the large-scale Ordnance maps ; and they welcome the change of heart on the part of the Government towards that important matter. Provision was made in the Budget of last April for a substantial increase in the grant to the Ordnance Survey Department ; and a Departmental Committee has now been appointed to enquire into the whole question. In the evidence which they presented

to that Committee the Council have made a number of proposals which would, if adopted, accelerate the revision of maps urgently required for planning, including the issue of "provisional" sheets showing only the details required for planning purposes ; direct tracing from the material collated by local authorities, if sufficiently accurate ; aerial surveys in suitable areas ; and the immediate recruitment of the additional staff postulated for Ordnance Survey requirements during the next few years.

Although it is early yet to speak from real experience, it is probable that in built-up areas, and especially in the case of flats, the authority will require a decrease in density as compared with that allowed in the past, and more open space. If that is so, the prices paid for individual sites will be affected, for it is unlikely, in face of the competition existing, that the increased rents of the flats when built will make up for any deficiency in the reduced floor space on any given site available for building.

HOUSING.

The Housing Bill, 1935, has now received the Royal Assent, and for so controversial a measure has been little modified in its progress through Parliament, the fundamental principles of the Bill remaining much as at first presented. The Legislature have at long last recognised the injustice of condemning property because of its bad surroundings, and of reducing site value compensation where the land was to be put to certain uses by the acquiring authority. The Act also contemplates recognition being given to the good landlord, and extends the powers of housing authorities to make allowance for loss sustained by the small retail shop owner in an area made subject to a clearance order.

Opinion is still divided upon the comparative merits of the flat and the cottage as houses for the working classes ; but is it not a fact that both are required, and that a balance between the two methods must be adjusted to meet the

varying circumstances of individual localities? Many people may share with me a preference when possible for the suburban cottage house and garden with its possibilities of ownership, the possession of a stake in the well-being and good government of the country, and its greater opportunities for fresh air and health to young and old alike.

My own experience is that a large proportion of the better-paid workers, especially the younger ones, prefer the small house in the suburbs, provided that transport facilities are reasonably good and that social amenities are within easy reach. Building societies and the prevailing cheapness of money go a long way in these days towards helping a man of good character to own his own house. There are probably, however, a larger number who, because they are too poor, or must live near their work, or because they prefer the crowded fellowship of the town, must be housed in the central areas, and for them there seems no alternative but the flat. As this is not an occasion for controversy, I do not propose to refer to debateable points such as heights of buildings, provision of lifts, and other details. But most of us will, I think, agree that the proper planning of tenement buildings must include ample provision for the admission of air and sunlight, and for playgrounds ; otherwise we may be charged by posterity with having cured a rash with a canker by replacing the horizontal slums of the nineteenth century with the vertical slums of the twentieth.

Many thinkers, who have made a study of this particular problem, consider that a partial solution lies in the removal of industry and labour from congested central areas to smaller and more compact communities, planned and laid out beforehand to meet the anticipated industrial, residential, and social requirements, and, to some extent also, the needs of agricultural workers in the locality. But no one yet has devised a practicable scheme for inducing industry to move from its established locality to the new satellite communities on the scale which is necessary to assure the success of such an experiment.

Another important matter to the profession and property owners was raised during the progress of the Housing Bill through Parliament. Efforts were made to take away from the Minister the power of determining whether a property was to be condemned under the various provisions of the Housing Acts as being unfit for human habitation and to get such questions referred either to an independent tribunal, possibly the official arbitrator, or to the Courts.

Whether the full implications were appreciated or not is not a matter for us on this occasion. There was, however, support in Parliament for the view that, while decisions on questions of health might properly be taken by the Minister responsible to Parliament, it was desirable that questions of law were matters for determination by the Courts of Law. It is curious that in the discussions the provisions of Section 11 of the Housing Act, 1930, seemed to some extent to have been overlooked. Following two famous legal decisions just prior to 1930, Section 11 of the Housing Act of that year gave a right of access to the High Court by any person aggrieved by an order. The grounds for this access are wide, including, *inter alia*, that the order is not within the powers of the Act, that any requirement of the Act has not been complied with, or that the interest of the applicant has been substantially prejudiced by non-compliance with any requirement of the Act. There is apparently an appeal from the Divisional Court to the Court of Appeal, and with the leave of the Court of Appeal the case can be carried to the House of Lords.

In addition to this the Housing Act of 1935 gives further facilities to the owner of a property which is alleged to be insanitary. Section 63 requires a housing authority to serve upon an owner, who has lodged an objection which has not been withdrawn, a notice in writing stating the principal grounds on which they claim that the house is unfit for habitation; and the Minister of Health may not cause a public local inquiry to be held until at least fourteen days after he is satisfied that this information has been supplied

to an objecting owner. Further, an objecting owner who has appeared at the public local inquiry in support of his objection is entitled in appropriate cases to be furnished with a statement in writing of the Minister's reasons for deciding that the building is unfit.

It may probably be held that while this may involve considerable additional work on the authorities and the Ministry in the discharge of their duties, it should go a substantial way towards meeting the complaints which have been made from time to time as to the lack of protection to owners whose property has been subjected to the penal provisions of a clearance or compulsory purchase order under the Housing Acts.

RATING AND LOCAL TAXATION.

The subject of rating and local taxation was dealt with by that great authority Mr. C. Gerald Eve, when he addressed you from this Chair three years ago, and I shall not attempt to improve upon that masterly and exhaustive review. I propose only to touch upon developments which have taken place since, particularly in connection with uniformity of valuation and the views which Mr. Eve then expressed on that important subject. The attainment of uniformity is largely the duty of the county valuation committees, which were set up under the Rating and Valuation Act, 1925, and their county valuers. It is for these county valuation committees, with their powers of objection and appeal, to see that each rating authority makes fair values so that there shall be equality and uniformity of rating within the county.

This uniformity is essential, and having regard to the incidence of the rate levied by rating authorities and the important effect thereon of the grants made under the Local Government Act, 1929, uniformity of valuation should be obtained so that the rate burden is equally borne, not only by the ratepayers in different rating areas, but throughout

the whole of a county, where the rate levied includes precepts of county councils and other statutory authorities.

Many county valuation committees have appointed either whole-time valuers, or retained the part-time services of surveyors in private practice, to act as county valuers. Others have not done so. In the first general revaluation, which came into force in 1929, rating authorities did not produce valuation lists on a uniform basis throughout each of the counties. It was hoped that in the second valuation list they would do so; but even then uniformity was not invariably attained.

Many of the county valuation committees, which with the aid of their county valuers have been striving for uniformity, but have, nevertheless, in spite of much honest effort failed to secure it, are of opinion that it is an ideal impossible of attainment unless and until Parliament enacts that the county valuation committee, and not the rating authority, shall be the valuation authority throughout the whole county. Parliament, nevertheless, are unlikely to extend the powers of county valuation committees to enable them to make all the valuation lists throughout the county until all county valuation committees are shown to be using to the full the powers already given to them under the 1925 Act.

While on this subject I should like to refer to the concern felt by members of this Institution at the practice of some rating authorities in inviting surveyors to submit tenders for rating valuations. This practice of placing professional men in competition with one another, and with others, on the basis of fees cannot in my opinion produce true economy or real efficiency. Such a practice would not be tolerated by the legal or medical professions, and I am at loss to understand why rating surveyors should be invited to tender for their professional services like tradesmen for the supply of goods.

With the experience of the first and second general revaluations of 1929 and 1934 behind them, county

valuation committees and rating authorities ought now to know what sum can reasonably be set aside to meet professional fees for valuation work of a proper standard and so be able to fix a fee at which a rating surveyor can be instructed to act for them. That method is on every ground preferable to the system of inviting open tenders with its accompanying evils. I may add that the question is one which is engaging the serious attention of your Council.

AGRICULTURE.

I propose only shortly to refer to agriculture. Although it is a matter of great interest to many members, I cannot presume to possess an intimate knowledge of it ; but the ground was ably covered, and with all the authority of great experience, by my predecessor last year. It is obvious that every man should take an interest in the land be he a dweller in town or country, even if unable to speak with authority on the merits or otherwise of marketing schemes, subsidies, quotas, tariffs and other steps taken by the Government to rehabilitate an industry which, though now only the second largest for employment, is and must remain an essential part of our national economy and well-being.

I venture upon the opinion that from whatsoever cause, whether it be reorganisation or the introduction of moderate protective tariffs, agriculture has during the past few years shown improvement, and the outlook is brighter to-day than in the year 1930. I have a vivid recollection, although only a boy at the time, of the condition of things following those disastrous years 1877-1881, when a succession of bad seasons and low prices combined to ruin numbers of owner and tenant-farmers, and large tracts of agricultural land were left practically derelict.

Recovery came, however, and notwithstanding the controversies of the time and the many problems with which the industry is faced to-day, I remain a firm believer in the land. Small though we are in acreage, and large though our

population may be, here and elsewhere it is the land which produces food and clothing, and must, therefore, always have a value. That fact was clearly demonstrated in post-war Germany when, though the national credit failed, the value of land was the least affected.

In my view, land well selected and without heavy tithe is a good investment, at any rate for the rich, and I think that no wealthy man's portfolio should be considered complete without a proportionate investment in the land of this country. The return may be small, but not less than is shown by the highest class of gilt-edged stocks. May I be allowed to give a concrete instance? In May of this year I had to advise as to whether a portion of an agricultural estate, with potentialities for development in certain eventualities, should be sold at a price which to some extent discounted the future. The question arose as to the investment of the proceeds, and it was shown, though the calculation would to-day be somewhat altered owing to the fall in prices of gilt-edged Stock Exchange securities, that to a man whose income was liable to income and surtax at 10s. in the £, the net return from an investment in $4\frac{1}{2}$ per cent. Conversion Loan after taking into account the then premium and date of redemption was at that time nil. There was, moreover, no first-class Government stock which showed much over 1 per cent. net to such a man. My client wisely decided to retain his income from agricultural rents and await the future.

There is no doubt that on the flight from the pound, many astute men, well versed in economics, turned their attention to this form of investment.

I ought not, I think, to leave the subject of agriculture without making some reference to the concern which was felt by chartered surveyors and others closely connected with agriculture at the recommendations made in the Majority Report, published last spring, of the United Kingdom Sugar Industry Inquiry Committee. Those recommendations advocated the withdrawal of the Govern-

ment subsidy from the beet-sugar industry, and they were made despite the evidence referred to earlier in the Report of the benefits which agriculture and its allied industries had enjoyed from the establishment and development of beet-sugar manufacture in the past decade. In the opinion of those engaged in agriculture, the Report showed that the beet-sugar industry would have fulfilled expectations, and would, but for the serious decline in the price of sugar, have required no protection other than that normally accorded to sugar from other parts of the Empire.

At a conference of all interested parties convened by the National Farmers' Union on 12th April, 1935, and attended by representatives of the Institution, it was claimed that the costs of beet growing and of sugar manufacture had been steadily reduced year by year, and that there was room for still further reductions, whilst there was no reason for assuming that the fall in sugar would continue indefinitely.

It was with relief, therefore, that those engaged in agriculture were able to read the new long-term policy of the Government in the recent White Paper issued on "Sugar Policy." The Paper makes proposals for reduction of costs by factory amalgamation, the setting up of an independent Sugar Commission, import duties, and in particular the continuance of State assistance, although at a diminishing rate, calculated annually upon certain standard conditions.

DOMESTIC SUBJECTS.

Turning for a few moments to domestic matters—the past session has been a busy one, particularly in connection with fresh legislation, such as the Housing Act, 1935, and Restriction of Ribbon Development Act, 1935, all of which had to be examined by the Parliamentary Committee, and the Institution's views and advice given to the Ministries concerned.

The progress of the Institution continues unimpaired ; and for this we should pay tribute to the Secretary and his

hard-working staff. Only those in close touch with the Executive can fully realise the extent of the great work for the Institution which they perform so efficiently behind the scenes. The membership is now approaching nine thousand in number, and the size to which it has grown may cause reflection as to the limit of members which a professional institution can properly absorb ; and some may consider that limit has nearly been reached in our case. The standard of technical education, however, is gradually being raised, and there seems every probability that the chartered surveyor of the future will have to acquaint himself with a range of subjects wider even than those, some sixty in number, which are tabulated in the appendix to "The Chartered Surveyor and His Work." There may also have to be some raising of the educational standard required by those who aspire to pass the preliminary examination.

In this connection perhaps some reference may be permissible to what has become known as the Code, or, as I should prefer to call it, the "Rules of Conduct," which has been so loyally adopted and administered by the four societies representing the professions of the land in this country. My predecessors in this Chair have referred at some length to this subject, and I have no wish to indulge in repetition. It is one, however, in which I have taken a considerable and active interest as Chairman of the Practice Committee since 1927. Signs are not wanting that the public are beginning to appreciate the necessity for employing, not only men with proper technical qualifications, but men who in their own and the public interest have submitted themselves voluntarily to observe a certain measure of discipline.

The activity of the County Branches, and the assistance and advice they are able to tender to the Council, and the work of the Junior Organisation throughout the country, augur well for the future. The younger men seem especially to appreciate the necessity for raising the reputation and

prestige of the profession to the highest level. Let me continue to remind members not only of the need for knowledge and for improving our technical equipment, but also that a reputation for character, judgment and integrity is the most valuable asset in any profession. Nor let us forget that on ours as on other professions there rests the responsibility and the duty of the highest standard of service to the public.

Mr. ALAN ARNOLD (Past-President) said it was a time-honoured custom of the Institution that the immediate Past-President should propose a vote of thanks to the President for his opening Address. Before he attempted to propose the vote of thanks to the President he wanted, on behalf of the members of the Institution, to thank Mr. Stanley for his great services to the Institution in the past. It was no mean performance to have taken the chair of the Institution's Professional Practice Committee for a term of seven or eight years as Mr. Stanley had done ; and on every occasion he had graced that chair in a manner which most of the members had envied.

Turning to the Address, he thought all might congratulate Mr. Stanley, and agree that it was a worthy production, instructive and interesting to all.

The President had spoken of the see-saw of property values, and had said that, on balance, the tendency was upwards. If that statement applied to London, he would say that there was the same tendency in the country. For a long time now there had been a keen demand for agricultural properties both for occupation and for investment purposes. He hoped that that upward tendency might continue, and, if it did, it would all be for the benefit of agriculture.

The President had said that, in his opinion, values had increased or had doubled themselves in the last fifty years. That also applied with equal force to the country as it did to any sites in the towns.

Mr. Stanley had mentioned departmental stores and multiple shops, and his remarks in that connection were very interesting. There was no doubt that the proprietors of those concerns could afford to pay much higher rents than the private trader. One of the reasons for that, perhaps, was that whereas the shareholders of the big companies were satisfied with a 5 per cent. return on their capital, no private trader could exist on so small

a return. Therefore the private trader could not afford to pay anything like the rent that the multiple shops could.

He entirely endorsed the President's opinion of improved ground rents, and he agreed with Mr. Stanley that a freehold ground rent was one of the best investments anyone could obtain at the present time.

With regard to the Town and Country Planning Act, he thought they could congratulate themselves on having given some assistance to the Town Planning Committees in solving difficulties with which they had been faced. The Restriction of Ribbon Development Act, as the President had said, was far-reaching in its effect. He personally, however, would have been happier if that Act had been passed in 1925 instead of 1935, because then there would have been far less spoliation of our roads than had been seen during the last three or four years. He had tried to work out the amount of sterilised land per mile if the 200-ft. building line was strictly adhered to under the Ribbon Development Act. He found that, including road, it worked out at about 53 acres per mile. So that if one could imagine the high road from London to Southampton—a distance of 70 miles—being without a house upon it, and the Ribbon Development Act operating, there would be no less than 3,700 acres of land sterilised as an open space. If that amount of land was taken up in the comparatively short road from London to Southampton, there would be a great many hundreds of thousands of acres in the country which would be sterilised for all time against building.

The President had referred to Ordnance Maps. There, again, they might possibly congratulate themselves upon having persuaded the Government to set aside a greater sum of money so that the survey could be made up to date. That was satisfactory, and they were very grateful to the Government for the assistance it had given to that department in the last Budget.

As to the Housing Act, he only wished to express an opinion as to its provisions regarding the demolition of cottages, especially in the country. There, he thought, the local authorities who had the Act to enforce were carrying it much too far. He had come across in his own neighbourhood many instances of what might be called rural cottages which had, by reason of the extension of the towns, become almost merged into the towns, and because they had thatched roofs and did not seem to blend with the housing extensions, there had been too many cases where the owners had been served with demolition orders. Personally he thought that was wrong, because equipped as the Councils were with the Housing of Rural Workers Act, in most cases those cottages could be re-conditioned so as to be made perfectly good

for occupation purposes. He sincerely hoped that the Minister of Health would direct his attention to the many cases where those demolition orders had been served.

As regarded agriculture, he was happy to say that farmers generally were much happier and much better able to pay their rents than they had been three or four years ago ; and he thought that was almost entirely due, directly or indirectly, to the Marketing Acts.

On behalf of the Institution it was his pleasant duty to express thanks to Mr. Stanley for his masterly Address, and to offer him the members' sincere congratulations on the high position he had attained—and had so richly deserved—and to wish him health and happiness during his year of office. He also desired to say how very much the members were honoured by the presence among them that evening of Mrs. Stanley. (Applause.) He hoped she had derived as much enjoyment from reading her husband's Address as the members had in listening to it.

Mr. J. M. THEOBALD (Senior Vice-President) said that as the Senior Vice-President it was his privilege to second the vote of thanks to the President for the Address to which those present had listened with so much real interest. He underlined the word " real " because the President was so modest that he took an enormous amount of convincing. Mr. Stanley had mentioned the difficulty which he and his predecessors in the Chair had found in making their Addresses interesting as well as informative. He could assure Mr. Stanley that if he had any misgivings whatever on that ground in connection with his own Address they were entirely uncalled for, and that he had succeeded beyond his wildest expectations.

It was a fortunate thing for him (Mr. Theobald) as a quantity surveyor that the Address was not open to comment, or he might find himself in an extraordinarily difficult position. But even did he not practice in that Cinderella branch of the profession, it would still savour of impertinence on his part to criticise the President, who had written an Address on the subject-matter of which no one was more entitled to speak as an expert. There was, however, one thing which the President and he had in common, and that was their ability to look back on the London of half a century ago—a London as seen through a slow-motion camera as compared with the London of to-day—a London minus so many of the things which were now looked upon as necessities, such as motor-buses, tubes, electric light, telephones, traffic lights, and smash-and-grab raids. He often wondered what

the men who had been his age fifty years ago would think if they were to come to London to-day. They would probably be afraid to go outside their front door—unless there were a fog, in which case they would probably be able to find their way about a good deal better than the present generation could, having had more practice.

The vote of thanks was then put, and carried by acclamation.

The PRESIDENT thanked the members present for the cordial way in which they had received the vote of thanks. He also thanked the proposer and seconder, but those he knew so well that they would say nice things about him. Their reception of the Address and the vote of thanks had given him great pleasure.

He was more than gratified at the number of members who had attended that evening. The attendance was very good indeed, and it was one which the Council would like to see repeated at the meetings as often as possible. Many members had come long distances, among them Mr. Pinkerton from Glasgow, which was extremely kind of him. The Council were very glad that such gentlemen took so much interest in the Institution.

He wished he could believe that he was such a good fellow as his friend Mr. Arnold made him out to be. He had tried to do his best, and he had kept his Address within reasonable limits, and possibly that was the reason for its kindly reception. He had much appreciated that kindness that had been shown to him since he had been elected President, which office he had already held for six months.

The great kindness which he had received wherever he had been all over the country, and in London, and particularly from the younger men, had been a great delight to him. He took a great interest in the younger members, and always had, and he would like publicly to express his gratitude at the way in which he had been treated by them up and down the country.

The meeting then terminated.

PAPER No. 565.

SOME NOTES ON THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

By A. T. V. Robinson, C.B.E.,
Deputy-Secretary, Ministry of Transport.

*Paper to be read at the Ordinary General Meeting of the
Chartered Surveyors' Institution on Monday, 9th
December, 1935.*

The Council of the Institution had hoped, as I understand, that Sir Leslie Scott would at this meeting be able to address you on the new Restriction of Ribbon Development Act ; but his happy promotion to the Judicial Bench has rendered that impossible. The substitute, whom your Council have invited to fill the gap, not merely lacks the long and varied professional experience of Sir Leslie, but, as an official still on the active list, cannot enjoy the same freedom of expressing any personal opinions as could a detached critic. I would indeed gladly to-night exchange the rôle of speaker for that of listener, more particularly when it comes to question time ; for the brief experience so far gained of the actual operation of the Act has already produced a number of problems, the right answers to which it is not easy to find. If I may echo a frequent prayer of my undergraduate days, may the gods grant that the examiners will not hit upon those particular questions. In any event I am assured that your examination, if searching, will nevertheless be considerate, at least to the extent of giving the examinee due time in which to think out an answer.

2. Before I deal with the Act itself I would gladly take this opportunity of expressing the indebtedness of my Minister and of his advisers to the Institution for their helpful and constructive criticisms of parts of the Bill as

originally presented. Such criticism, offered while the Bill is still in the Committee stage, is a thousand times more valuable than the most brilliant suggestions offered after the Bill has reached the Statute Book ; and I had, as tactfully as possible, to point this out to an important association which approached me recently on certain questions arising out of another Act.

3. The late Sir Courtenay Ilbert, in his masterly text-book "*Parliament*,"* gives an illuminating description of the way in which a Bill, such as the one which we are discussing this evening, is incubated, introduced, examined and passed through the various parliamentary stages before it receives the Royal Assent. Describing the amendments which "settle on the notice paper like clouds of mosquitoes," Sir Courtenay hints at the many discussions and conferences which take place behind the parliamentary scene. I could wish that a foot-note might be added to the chapter telling, on the one hand, of the action taken by a professional body, such as your own, to examine the Bill and to submit to the responsible Government department reasoned proposals for amendments ; and, on the other hand, of the delicate task of the administrative officers of that department who have, without duly committing their Minister, to discuss in detail an almost infinite series of such proposals with a succession of deputations with the most divergent interests.

4. I fear that I am forgetting that it is the Act itself, and not the Bill, of which I have to speak, but if you would know something of the help that your Institution gave, compare the compensation provisions of Section 9 with the terms of the Bill as first published and read the words of the Minister in charge of the Bill† in which he freely acknowledged that an amendment, sponsored by Members with whom your Institution had been in touch, was a great improvement upon the clause as originally drafted.

* Pages 79-84.

† Official Report, House of Commons, Standing Committee A, 18th July, 1935, col. 287.

5. There is no need for me to-night, after the fashion of a Second Reading speech, to trace the history of ribbon development, as it can indeed be traced, from the earliest days of the walled city down to recent times, when the mechanically propelled vehicle, public and private alike, lengthened unprecedentedly the radii along which this kind of development could take place ; nor need I recount the representations made to the Government by various interests that “ something must be done.”

6. When we look at the detailed provisions of the Act, with which I do not doubt that you are already familiar enough, I hope to make it clear that a close examination will reveal in the Act far-reaching possibilities, such that the most intelligent Martian visiting this planet would scarcely expect to find them hidden behind the mask of the “ short title.”

7. First in action, although not first in the order of the Act, comes the imposition of the 220-feet control. A recent issue of *The Surveyor** refers to the misconception still persisting in some quarters that the Act prohibits unconditionally any building along the side of classified roads ; and a correspondent in that journal correctly states that Section 2 was “ never intended to create such a monstrosity as a “ 220-feet building line.” Indeed it is clear that the total sterilisation of such a strip on either side of every one of the 40,000 miles of classified roads in the country would be economically impracticable. To these 40,000 miles of classified roads must of course also be added such part of the mileage of 130,000 miles of unclassified roads as may be brought under the like control by resolutions of the highway authorities concerned. There are some who have doubted whether in future, on roads which are subject to Section 2 restrictions, local authorities should lay down building lines at all, urging, convincingly enough, that the effect of building lines may be merely to push back the

* 1st November, 1935, page 458.

ribbon development. On the other hand, it may well be that, in some cases at least, the planning authority will continue to insist upon the prescription of building lines, on roads which are subject to Section 2 restrictions, unless and until they have a firm assurance as to the extent to which the highway authority will insist upon set-back from fences. Further, landowners and their agents may well desire themselves the prescription of building lines in order that they may know where they stand, as the existence of the maximum of 220 feet will give them no guidance.

8. The new Act appears to provide amply for control, which is to be exercised reasonably. If the authority are to exercise their new powers reasonably, they must obviously have reason for their action, and in Section 7 (2) Parliament has expressly directed the authority to take, as their basic reason, regard to the need for preserving the amenities of the locality and for securing well-planned development. In so doing they are enjoined to consult with the planning authority, in order that the action of both authorities under their respective powers may be co-ordinated. Incidentally it may be observed that close co-operation between the highway authorities and the planning authorities is to-day one of our most pressing needs.

9. Just over a week ago I was addressing a conference* composed largely of representatives of local authorities, and I urged upon them that they should implement to the full the intention of Parliament to avoid any possible conflict of policy between the different local Government interests which may be concerned. I have not time here to-night to discuss (were it within my province so to do) the somewhat delicate question of the domestic arrangements which a council should make for carrying out the several duties which Parliament has imposed upon them.

10. The wide powers given by Section 2 to enable the

* National Housing and Town Planning Conference at Scarborough, 29th November, 1935.

authority to preserve the amenities of the locality and to secure well-planned development may stand alone, or they may be taken as a first stage on the way to the adoption of a standard width under Section 1 ; and when a standard width is in force, the Minister is empowered to supplement the Council's own resources by grants out of the Road Fund. Until a standard width is in force the Rate Fund will be liable for any compensation charges, although there will be cases in which compensation may be satisfied in whole or in part by the construction by the highway authority of improvement works towards which the Road Fund will be able to contribute.

11. In the earlier stages of the consideration of the Bill repeated references were made to Clause 2 as the " amenity " clause of the Bill, while Clause 1, as passed by the First House, started with the preamble " with a " view to providing for adequate and safe passage along " any road." It is not yet possible to say exactly what will be the effect, if any, upon the actual operation of the Act of the decision of the Second House to excise those opening words of Clause 1. Both sections have a potential " traffic value " ; both sections have a potential " amenity value." It is true that Section 1 contemplates that, sooner or later, the whole of the land comprised within the standard width will be in the " width between " fences " of the highway, although an appreciable part of it may remain grass verge, for example, between the carriageway and the footpath. From the amenity standpoint it will be recalled that a standard width road (even if the road be an unclassified road and not brought under the operation of Section 2 by a special resolution) is subject to " access control " by the highway authority ; and it is generally agreed that access control is a potent means of preventing ribbon development.

12. Section 2, in granting a control over a far wider strip than the widest " standard width," gives powers which

are obviously related, in the words of Section 7 (2), " to " the need for preserving the amenities of the locality and " for securing well-planned development." On the merely traffic side, however, the section may be of great value in many cases ; while the necessary steps are being taken to bring into force Section 1 restrictions, with their possible attraction of Road Fund grants, the authority may want to make use of Section 2 restrictions to serve as a temporary protection of the road, and, in particular, as a safeguard against claim-jumping on the part of speculators.

13. During the progress of the Bill suggestions were made in certain quarters that some means should be found of making the restrictions retrospective. The difficulties of such a course I need not here detail. The grounds on which the request was based were that speculators, and others, in anticipation of the passage of the Bill, were pegging out claims up and down the country. The Ministry has as yet no evidence that such action was in fact taken. We have had correspondence as to a few cases in which the highway authority have apparently suggested that particular buildings are not entitled to the benefits of the exemption of Section 3, which, it will be recalled, gives general exemption to works in progress at the time that the restrictions become operative. The authority have accordingly intimated to the inquirer that, if application for consent be made, they will exercise their right of refusing. The question whether or not the buildings were begun before the relevant date is a question of fact, to be decided by the Courts and by the Courts alone. The applicant, with the full knowledge of the conditions, may feel sure of his ground and may proceed with the work. It will be for the highway authority, if they think fit, to proceed against him for contravention of the statute, even to the possible length of demolishing the building. If, however, the applicant, doubtful of his title to the benefit of the exemption, applies for the authority's consent and is refused, he may

appeal to the Minister on the ground that the refusal was unreasonable. Would it, however, be in any way competent to him to support his appeal by any reference to alleged benefit of the exemption?

14. Before dealing further with the question of proceedings, appeals and compensation, we may pause to consider an important provision in Section 1, which was moved into the Bill after its introduction. Land within the standard width is, as we have already seen, land destined sooner or later to be incorporated in the highway, either as carriage-way, footpath or cycle track or as a verge, under which service mains may, perhaps, be laid. It is therefore incumbent upon the highway authority to take all possible steps to secure that no buildings shall be erected within that standard width which will defeat its ultimate purpose. Certain interests represented, reasonably enough, to the Minister that there would be cases in which the substantial extension of an existing building along a particular frontage would be of vital importance to a manufacturer occupying the existing building. On the long view, it was suggested, the improvement of the existing road might often in such cases be best effected by adopting a different alignment ; and in particular cases the manufacturer might, indeed, be prepared to meet the highway authority to the extent of giving gratuitously, or on favourable terms, land upon which the highway might be re-sited. In order to provide for such a contingency, Section 1, in the proviso to the first sub-section, now enacts that in all cases adequate notice shall be given of the intention to adopt a standard width, affords opportunity for objection, and requires the Minister to hold a local inquiry if he considers that material objections remain unsatisfied. Some personal experience of holding public inquiries, and considerable study of the proceedings of such inquiries, lead me to believe that the opportunity given to promoters and objectors to state their case in public in one another's presence is not merely a

valuable means of arriving at the true facts of the position, but often facilitates the negotiation of reasonable compromise.

15. There are important definitions in Section 24 of the "middle of the road" and of "road" itself, which relate both to Section 1 and Section 2. A highway authority after consultation with the planning authorities concerned, and after taking the best available advice, may plot upon a 1/2500 map a new "middle of the road" and seek the Minister's approval for the plan of a "proposed road," shown as a coloured band on either side of that line. As already indicated, before Section 1 restrictions can be brought into force in relation to this new middle of the road, opportunity must be given for objections and, if need be, for a public inquiry.

16. It has taken us some time to reach Section 9 ("Compensation for injurious affection") which will be of special interest to members of this Institution. Let us not for a moment assume that every case in which the authority exercise their powers under the new Act will result in compensation claims. We are familiar enough with cases in which a county surveyor or a planning officer has approached first the most public spirited and far-sighted landowners in a district and has reached provisional agreements, which have served as a starting-point for negotiation with the general body of landowners. In many districts, however, there is bound to be some residuum, who will in due course put forward applications in such guise that the authority could not grant unconditional consent without making a grave breach in its general plan. In Section 9 Parliament has endeavoured, on the one hand, to secure fair compensation to the owner, who has, against his will, to make some sacrifice for the public good, but, on the other hand, to prevent the less reputable financier from holding the community to ransom. The fact that the restrictions may at some future date, and in hypothetical circumstances, pre-

vent the owner from "doing as he likes with his own" is not to give any immediate title to compensation ; the one key which will enable him to unlock the door and come before the arbitrator is that of evidence that he is feeling the hurt of the restrictions.

17. Even then the area in regard to which he may claim must be related to the hurt which is actually being felt. To take an oft-quoted illustration, the owner of an estate of many thousands of acres, enclosed by roads which are the subject of restrictions, may desire to develop some small corner of that estate. If his proposal is rejected by the authority, and he satisfies the condition that the proposal is immediately practicable and that there is a demand for the development, he may proceed with his claim for compensation in respect of the "piece of land" concerned. The authority may negotiate amicably with the owner and make a settlement once and for all with no question of arbitration: but we are at the moment considering only those cases in which it proves necessary to have recourse to the official arbitrator.

18. Not unnaturally your Institution examined very critically the original proposals for basing the compensation upon the "piece of land." Consider the case of a large field, within a horseshoe bend of a river, to which access is obtainable only from a highway passing over the narrowest part of the horseshoe. Restrictions are imposed upon the land lying within a specified distance of the road along this narrow frontage. If the arbitrator were to have regard to that narrow strip, and to that narrow strip alone, might not the landowner find himself completely marooned in the back land and compensated on a basis which had no regard whatever to the existence of that back land? In the Act, as it now stands on the Statute Book, there is no longer any needs of metaphysical disquisition as to the extent to which "access value" to the back land is an inherent factor in the value of the restricted frontage land. Sub-

section (4) of Section 9 provides that the basis of compensation shall be the difference between the market value of the whole field when the frontage piece is subject to the restrictions, and the market value of the whole field if the frontage piece were not so subject. The section does not, however, enable the claimant to require the arbitrator to deal at once with the hypothetical questions of the possible *future* effect of restrictions upon the *whole* of his estate.

19. It is interesting to apply this provision to the case of the large estate which we were considering but a few minutes ago. The landowner may be before the arbitrator in respect of injurious affection in respect of this corner piece. If the arbitrator is moved to consider the estate as a whole, his task is to assess the difference between the market value of the estate when there were no restrictions at all, and the market value of the estate when there are restrictions, not restrictions on every part of the estate adjacent to any road, but restrictions on the particular piece, the injurious affection of which is the subject of the claim.

20. The bare reference to the "subsidiary way" in proviso (b) to Section 9 (4) is a reminder of many difficult discussions as to the "service road." Some there were who suggested, to put it in crudest terms, that the restricted owner should have a right, in lieu of other compensation, to require the authority to provide him with a service road; others, to put it no less crudely, suggested that the owner, who himself provided a service road, should be free of all restrictions. Clearly it was not possible to advise Ministers to accept on the Statute Book either of these hard-and-fast rules. It may be hoped, moreover, that the authorities in the administrative exercise of their new powers will employ no bed of Procrustes, but will have due regard to the circumstances of the particular case.

21. The service road, carrying purely local traffic, and so freeing the through road from the obstruction of slow or stationary vehicles, may well appear to be the best

possible lay-out to those who consider solely traffic facilities and road safety, without regard to the fact that ribbon development may be merely pushed back along the service road itself, with the customary wastage of the intervening land between the radial ribbons. On this aspect of "sporadic building destroying the amenities of the "surrounding country," and "the area deteriorated being "far greater than the area actually built upon," I would commend to your notice page 7 of the Report of the Committee on Garden Cities,* of which Sir Charles Gott and Mr. Pierson Frank were members. There are some striking figures on that page on the question of the proper utilisation of space in Greater London.

22. Where there is already fairly close development, the service road may well be the best practicable course: where there is not, authorities and landowners alike should consider carefully whether sound principles of planning, and, indeed, of economics, do not demand development in depth rather than in length; in other words, they should encourage group development rather than acquiesce in even an improved form of ribbon development.

23. After these remarks, you will not expect me to make unconditional promises of grant out of the Road Fund to all and sundry schemes for service roads, wherever placed. It is true that service roads may help to prevent interference with traffic on the main thoroughfare itself: but that may be equally true of any estate road, whether parallel or at right angles to the main thoroughfare; and we cannot for a moment contemplate grants out of the Road Fund for all and sundry estate roads. Parliament, in this new Act, has given the authority very wide powers of protecting the main thoroughfare, not by creating service roads, but by strict limitation of access to the main thoroughfare. How far highway authorities will find it practicable to settle claims for compensation for refusal of access by giving assistance,

* Parliamentary Paper 32-311, of 1935, price 6d.

in malt or meal, to the provision of subsidiary roads, I hesitate at this stage to prophesy ; but, in passing, I may remind you that, in so far as any expenditure of the highway authority is by way of compensation for refusal of access to a " standard width " road, it will be eligible for Road Fund grant. At the risk of repetition, the hope may be expressed that authorities and developers alike will be far-sighted enough to pursue a policy of group development along subsidiary roads placed transversely to the main thoroughfare, rather than one of ribbon-like development on service roads constructed parallel to it.

24. The betterment provisions of Section 9 have not, so far as I recall, been seriously challenged, except, perhaps, by those who would have wished to make some direct betterment charge upon adjacent owners, and not rest content, as does the statute, with providing that betterment may be set off against compensation claims.

25. The arbitrator may take cognisance and embody in the award any undertaking given or to be given by the highway authority. This provision will prove of importance in cases where an authority, for example, refuse access consent at a point which, by reason of its proximity to a road junction, would be a potential source of traffic danger, but signifies its readiness to consent to access at some point a little further down the road.

26. The provisions with regard to access consent in the case of new roads deserve careful examination. In the past many owners have been prepared to hand over gratuitously, or for a mere nominal consideration, land required for the construction of a new road, well recognising the resultant enhancement of value of adjacent lands. In such cases the authority might naturally have to pay heavy compensation if subsequently they proposed drastically to limit the access to the new road. The section provides, shortly, that no man is to be compensated for being deprived of something which he never had. When in the future an authority

purchases undeveloped land for the construction of a wholly new road, the position will be somewhat analogous to that of the railway company acquiring land for a new rail-road which will be fenced against all comers. The injurious affection due to severance as such will be reflected in the purchase price of the land. In one important respect, however, the railway analogy does not hold, as the authority are estopped by the statute from limiting in any way agricultural access. It may well be that, in the negotiations for acquisition of the land, the authority will give binding undertakings to allow general access to the new road at certain specified points or intervals, and by so doing will be enabled to obtain credit for betterment of the adjacent lands.

27. The proviso to Sub-section (3) of Section 9 deals with the not infrequent case in which a new road in fact incorporates a number of small sections of old roads. In its simplest terms, the proviso says that, if the owner had access to the old road and is now losing that access owing to restrictions, he is entitled to compensation ; if he never had access at all in this direction, he is not to be entitled to compensation when he is refused access to the new or improved road.

28. I do not doubt that questions will be asked as to the use of the term " market value " instead of the word " value " *simpliciter*. This is indeed an old bone of contention. Parliament has on many previous occasions taken the line that, when the national interest requires that land should be acquired for public purposes, the basis of compensation shall be that of market value, and not that of its " value to the owner." The basis of value to the owner would necessarily introduce a number of hypothetical questions of possible future profits, notwithstanding the fact that, in many cases at least, the like profits might be reaped by industry on some other site than that now proposed to be acquired.

29. Under previous Acts the requirement of individual notice to every person having any estate or interest in the land to be affected has in some cases entailed upon the authority so great a burden of ascertainment and service as to be a material factor in determining whether or not a particular proposal should be undertaken. To dispense with notice altogether might involve intolerable injustice to an owner whose property was to be affected. The present Act, therefore, provides for advertisement in two or more newspapers circulating in the locality ; but it also provides a simple system by which any person, who may at any time be affected by restrictions, may have his name entered in a register to be kept by the highway authority, and so secure notice of any new restrictions. The machinery* for registration has been so simplified as to evoke in some quarters the criticism that we are asking for a little less than the barest minimum that could be required.

30. Section 13, dealing with acquisition of land, represents mainly a convenient codification of existing powers. In the Act, as it now stands on the Statute Book, the power sought in the Bill to acquire land for the purpose " of controlling the development of frontages " to the road or of land adjacent thereto " no longer appears. Grave fears were expressed in many quarters, during the passage of the Bill, that authorities might, in certain circumstances, acquire park lands or gardens, and, under the guise of " controlling the development of " frontages," themselves erect undesirable buildings upon the land so acquired, or conceivably themselves enter into the business of land speculators.

31. The purposes for which the authority can acquire land compulsorily are now limited in the Act (apart from the purposes of construction or improvement of the road) to " prevent the erection of buildings detrimental to the " view from the road " ; and sub-section (3) provides

* Ministry of Transport Memo. R.R.D. 1, page 4, price 1d.

wide savings for parks, gardens and the like, and limits strictly the uses to which the authority may apply land acquired otherwise than for the purposes of the road itself.

32. Sections 16 and 17 of the Act deal with urban and not rural problems. Whatever difficulties we may find as individuals in disposing of our cars, when we have to make calls for business and shopping purposes in a town, we are all prepared to agree as a general proposition that standing vehicles prove only too often a serious inconvenience and a potential source of danger to other traffic. Section 16 enlarges the powers given to authorities by previous Acts to provide parking places, extending, as it does, the term "parking places" to roofed and walled buildings above or below ground. Section 17, within specified limitations, requires those who, by the character of their new buildings or the nature of the business to be carried on in them create additional traffic, to provide sufficient facilities for the loading and unloading of both the passengers and the goods which that traffic carries.

33. Of the extent to which authorities will avail themselves of the new powers given to them by Sections 16 and 17 it is as yet too early to form any sort of estimate. In such cases a considerable amount of informal negotiation may well be necessary before an authority are in a position to make public disclosure of its intentions.

34. Such, then, in brief outline, are some of the provisions of the Restriction of Ribbon Development Act, and some of the problems with which highway and other local authorities, landowners and their advisers, and the Ministries of Health and Transport will have to grapple in the months to come. If the authorities are prepared to broadcast consents automatically or to allow the matter to go by default, the efforts of Parliament, to provide in the new Act ready and immediate measures for checking ribbon development, will have been in vain. Happily

we have, already, evidence that many authorities have resolved to make effective use of the new powers given to them, and to follow the best traditions of local government in this country in shouldering the new responsibilities placed upon them by Parliament. The large and important body of public opinion which takes an informed interest in town planning is offering its ungrudging support to the highway authorities. The real fulfilment of a national desire, as expressed in the Restriction of Ribbon Development Act, is not, however, to be secured by the action of authorities and officials alone. It is essential that owners of land and their advisers should co-operate to the full, not merely in a spirit of far-sighted self-interest, but with a real regard to the national heritage which they are to pass on to their successors ; and on behalf of the Minister of Transport I ask with confidence for all the help that members of the Institution can afford.